

HOUSE BILL REPORT

ESSB 5555

As Passed House:
April 6, 2011

Title: An act relating to interbasin transfers of water rights.

Brief Description: Concerning interbasin transfers of water rights.

Sponsors: Senate Committee on Environment, Water & Energy (originally sponsored by Senators Parlette, Hatfield, Morton, Honeyford and Hewitt).

Brief History:

Committee Activity:

Agriculture & Natural Resources: 3/9/11 [DP].

Floor Activity:

Passed House: 4/6/11, 93-0.

Brief Summary of Engrossed Substitute Bill

- Requires the Department of Ecology to provide notice of a proposed interbasin water rights transfer to the board of commissioners in the county of origin prior to issuing a change authorization.

HOUSE COMMITTEE ON AGRICULTURE & NATURAL RESOURCES

Majority Report: Do pass. Signed by 12 members: Representatives Blake, Chair; Stanford, Vice Chair; Chandler, Ranking Minority Member; Wilcox, Assistant Ranking Minority Member; Buys, Dunshee, Hinkle, Kretz, Lytton, Orcutt, Rolfes and Van De Wege.

Staff: Courtney Barnes (786-7194).

Background:

Washington operates under a water right permit system. The right to use water that has been put to beneficial use is, and remains, an appurtenance of the land or place where the water is used. The Department of Ecology (DOE) may permit certain changes to a water right. The DOE may also permit a transfer of a water right from one holder to another.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

In processing change or transfer applications, the DOE analyzes the validity, limits, and quantity of the right. If it appears that the transfer of the water right, change of point of diversion, or purpose of use can be made without impairing existing rights, the DOE must grant the transfer or change.

Summary of Bill:

For counties located east of the crest of the Cascade mountains, the DOE may only approve a change or transfer application for an interbasin water rights transfer after providing notice electronically to the board of county commissioners in the county of origin upon receipt of an application.

An "interbasin water rights transfer" is defined as a transfer of a water right for which the proposed point of diversion is in a different basin than the proposed place of beneficial use.

"County of origin" means the county from which a water right is transferred or proposed to be transferred.

Appropriation: None.

Fiscal Note: Available.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed, except for section 3, which, because of prior amendments, takes effect June 30, 2019.

Staff Summary of Public Testimony:

(In support) The bill requires the DOE to provide notice of a water right transfer to the board of county commissioners. Several counties' commissioners have expressed concern about water being transferred out of their counties. The bill only applies to counties in eastern Washington. The required notice can be sent electronically and will not add additional costs to the DOE.

As drafted, the bill only applies to counties in eastern Washington. The bill should be amended to apply to all counties within the state.

(Opposed) None.

Persons Testifying: Senator Parlette, prime sponsor; Maia Bellon, Department of Ecology; and John Stuhlmiller, Washington Farm Bureau.

Persons Signed In To Testify But Not Testifying: None.